

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
MARICOPA COUNTY, ARIZONA)
) WT Docket No. 02-55
Request for Extension of Time)

ORDER

Adopted: April 10, 2014

Released: April 10, 2014

By the Deputy Chief, Policy and Licensing Division Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. Under consideration is the Further Request for Extension of Time (Request) filed March 10, 2014 by Maricopa County, Arizona (Maricopa). For the reasons set out below, the Request is denied and Maricopa is directed to file a cost estimate for reconfiguration of its 800 MHz communications system on or before July 14, 2014.

II. BACKGROUND

2. This is the second request for extension of time Maricopa has filed. Previously, Maricopa requested an extension until June 1, 2014. The Public Safety and Homeland Security Bureau denied that extension request and directed Maricopa to file a cost estimate by March 10, 2014 or request a further extension. March 10, 2014 passed without Maricopa filing a cost estimate. On that date, Maricopa filed the instant request, seeking an extension until October 30, 2014, five months longer than the June 1, 2014 filing date it initially requested. Maricopa attributes its failure to file a timely cost estimate to unspecified “unexpected delays [that] have resulted in the inability to execute the contract between Motorola and Maricopa.”¹

III. DISCUSSION

3. As of the date the Commission set for submission of a cost estimate, Maricopa had yet to sign a contract with its vendor to perform the work necessary to develop that estimate. Its request for a further extension rests on the bare claim of “unexpected delays” in executing the contract. Maricopa – which previously represented to the Commission that it would have a cost estimate by May 1, 2014 – now claims that the “current workload” of its vendor precludes receipt of a cost estimate before the “end of September, 2014.”

4. Maricopa’s filing contains no explanation of the reasons for the delay in concluding a contract with its vendor, much less any evidence that Maricopa has attempted to accelerate the process. The filing is absent any statement from its vendor that its “current workload” precludes producing a timely cost estimate, much less a description of that workload. We note, however, that on June 5, 2013,

¹ Request at 2.

the Maricopa Board of Supervisors signed a contract with the same vendor for an upgrade to Maricopa's 800 MHz public safety radio system.

5. To the extent that Maricopa's vendor's precluding "workload" is associated with upgrading Maricopa's existing system, we are not persuaded that an extension of time to complete a cost estimate is warranted. The upgrade and the provision of a cost estimate may and should proceed in parallel. Indeed, much of the information required for the cost estimate – an assessment of the cost of rebanding Maricopa's pre-upgrade system – can be gathered concurrently with the upgrade process.

IV. DECISION

6. Maricopa falls far short of demonstrating good cause why the Commission should grant it an extension of time to furnish a cost estimate. By submitting successive extension requests grounded on such insubstantial excuses as "unexpected delays," Maricopa apparently believes it is entitled to extensions as a matter of routine. It is, however, "the policy of the Commission that extensions of time will not routinely be granted."²

7. To ensure that Maricopa and its vendor devote their time and resources to producing a cost estimate within a reasonable time, we impose the following conditions:

- Until Maricopa executes a contract with its vendor for the provision of a cost estimate, it shall report each business day to the 800 MHz Transition Administrator on the status of contract negotiations, including, without limitation, any issues remaining in controversy and the positions of the parties on said issues.
- Until Maricopa's vendor provides Maricopa with a Statement of Work, Maricopa shall report each week to the 800 MHz Transition Administrator on the status of the work in progress, including, without limitation, the estimated time remaining until a Statement of Work can be provided.
- Upon receipt of a Statement of Work from its vendor, Maricopa shall incorporate its internal costs and submit a cost estimate to Sprint and the 800 MHz Transition Administrator within 15 working days.
- In the event that a cost estimate is not filed by July 14, 2014 Maricopa shall file a competent request for extension of time within which to file a cost estimate. Such a request shall be supported, at a minimum, by declarations under penalty of perjury as to all facts alleged in the request, shall contain a detailed description of why the cost estimate was not filed by July 14, 2014, shall be signed by a licensee principal and shall provide a day-by-day timetable for completion of the cost estimate.

² 47 C.F.R. § 1.46.

V. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED, that the Further Request for Extension of Time, filed March 10, 2104 by Maricopa County, Arizona, IS DENIED.

9. IT IS FURTHER ORDERED that Maricopa County, Arizona, SHALL COMPLY with the reporting requirements herein.

10. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm
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